

## **REMARKS**

Claims 1-83 were in the originally filed application. Claims 1-43, 46-58, and 62-83 were previously withdrawn as being directed to a non-elected invention. Claims 44 and 59-61 are amended herein, and claim 45 was previously presented. Applicants thank Examiner for acknowledgement of information disclosure statements. Applicants respectfully request reconsideration of claims 44, 45, and 59-61 in light of the following arguments. Applicants believe that the application is in a condition for allowance.

### **Specification Objections**

Examiner objected to the Specification as having duplicate page 205's. Applicants respectfully request that Examiner delete the redundant page 205 which was erroneously provided as a clerical error.

### **Claim Objections**

Examiner made some suggestions regarding claim language amendments for which Applicants are thankful and which Applicants have gladly incorporated into the amended claims.

### **Claim Rejections**

Claims 59 and 60 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Examiner suggested Applicants add the word "isolated" to more clearly distinguish the present invention from the naturally occurring 4HB polypeptides, and in order to expedite prosecution and allowance Applicants have amended these claims accordingly and respectfully request withdrawal of this rejection.

Claim 61 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as

the invention. Specifically, claim 61 was rejected as being vague and indefinite for the term “non-naturally encoded amino acids”. Although Applicants may choose to pursue additional matter in concurrent or subsequently prosecuted applications, currently Applicants have amended the claim so that it is directed to ribosomally incorporated non-naturally encoded amino acids with specific functional groups in the 4HB polypeptide and support for this amendment is replete throughout the specification.

Claims 44, 45, and 59-61 were rejected under 35 U.S.C. §102(e) as being anticipated by Schultz (US Patent Publication No. 2003/0082575). Applicants believe because of that efficient incorporation presented in the instant application differs from that of previously filed application and have included claim amendments directed to this, as well as claims directed to specific side functional groups of the non-naturally encoded amino acids, and support for these amendments may be found throughout the application and within the tables and examples of the present specification, because of the foregoing Applicants respectfully request withdrawal of the rejection.

Claims 44, 45, and 59-61 were rejected under 35 U.S.C. §102(e) as being anticipated by Cox (US Patent Publication No. 2005/0009049). Again, because Applicants’ amendments to address the side functional groups and the efficiency of the orthogonal translation system, Applicants believe the presently amended claims overcome any and all objections and rejections, and as such Applicants respectfully request withdrawal of the rejection.

### **Conclusion**

For the reasons given above, and the amendments made herein, it is respectfully submitted that all rejections and objections have been traversed and/or overcome and that the application is now in condition for allowance. If Examiner finds the present claims *not* to be allowable, Applicants hereby respectfully request a telephone interview at Examiner’s

convenience to discuss the application and amendments further. Applicants may be reached at 858-875-2466. Reconsideration and allowance of the claims is respectfully requested.

Although Applicant believes that no additional fees are due with this submission, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this submission to Deposit Account No. 50-3417.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kristin Eaton', is written over a horizontal line.

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